

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|---------------------------|---|---------------------|--------------------|
| APPLICANTS: | | ATTORNEY DOCKET No. | MFCP.110229 |
| KATHLEEN M. FRIGON, ETAL. | | | |
| SERIAL NO. | 10/764,248 | CONFIRMATION NO.: | 8055 |
| FILING DATE: | JANUARY 23, 2004 | GROUP ART UNIT: | 2176 |
| TITLE: | SYSTEM AND METHOD FOR AUTOMATICALLY GROUPING ITEMS | EXAMINER: | JAMES H. BLACKWELL |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**DECLARATION OF KATHLEEN M. FRIGON
PURSUANT TO 37 C.F.R § 1.131**

Dear Sir:

I, Kathleen M. Frigon, declare as follows:

1. I am an inventor of the above-referenced patent application, and am familiar with the contents thereof.

2. I currently reside at [please insert current address]. *13700 NE 34th Place
Bellevue, WA 98005*

3. I have reviewed the "Organizing a Collection of Objects" patent application (U.S. Patent Application Publ. No. 2005/0027712 to Gargi et al.) cited by the Examiner under 35 U.S.C. §103(a), which is dated less than one year prior to my effective U.S. filing date of January 23, 2004, and which shows, but does not claim, the same patentable invention.

4. The subject matter which I desire to claim does not correspond to a lost count in an interference and is not otherwise barred to the Applicants.

5. As is evident from the attached Exhibits A and B, Applicants completed and reduced to practice the invention in the United States at least prior to July, 29, 2003 (or in a NAFTA country after 12/8/93, or in a WTO country after 1/1/96).

6. More specifically, Exhibit A is a press release that evidences the release of a product titled "Microsoft® Digital Image Suite 9" on July 29, 2003. Exhibit B provides screen shots generated by the Microsoft® Digital Image Suite 9 product.

7. As evidenced by Exhibit B, the Microsoft® Digital Image Suite 9 product provides an actual reduction to practice of at least one embodiment of the invention now claimed in the present application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

5/21/07
Date


Kathleen M. Frigon

EXHIBIT A

PressPass | Information for Journalists
Corporate News | Home | Microsoft.com

Microsoft News
PressPass Home | PR Contacts | Fast Facts About Microsoft | Site Map | Advanced Search | RSS Feeds

Microsoft News

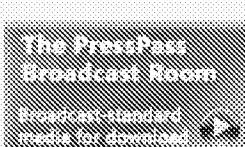
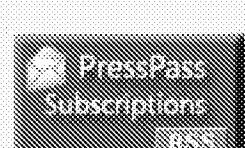
- [Product News](#)
- [Consumer News](#)
- [International Contacts](#)
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- [Events](#)
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Corporate Information

- [Microsoft Executives](#)
- [Fast Facts About Microsoft](#)
- [Image Gallery](#)
- [Broadcast Room](#)

Related Sites

- [Analyst Relations](#)
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Microsoft Transforms Everyday Photos Into the Extraordinary

New Digital Image Suite 9 Makes Professional-Quality Results Easy With an All-New Photo Organization and Advanced Image-Editing Software Suite

REDMOND, Wash., July 29, 2003 — Microsoft Corp. today launched Microsoft® Digital Image Suite 9, the first digital imaging software package on the market to combine all the tools consumers want and need to organize, archive, edit and share the soaring number of digital photos accumulating on their PCs.

Digital cameras captured roughly 25 billion photos worldwide in 2002. That number is expected to jump to 56 billion in 2005.¹ A projected 28.1 million digital cameras will be sold worldwide in 2003,² and many consumers will find themselves juggling thousands of images without an easy way to manage them. In response, Microsoft combined the power of two digital imaging software titles, Microsoft Digital Image Library 9 and Microsoft Digital Image Pro 9, into one comprehensive and flexible photo solution. The result is the new Microsoft Digital Image Suite 9, the only product available today that gives consumers everything they need in digital imaging software, including advanced organizational and photo-editing tools, new levels of creativity with professional-quality photo projects, and unparalleled ease of use.

"Beyond simply taking digital photos, customers are becoming more sophisticated in how they want to edit, store and share their images," said Michelle Richardson, product manager for home imaging at Microsoft. "They want advanced yet easy-to-use photo software that can do it all, and that's exactly what they're going to get with Digital Image Suite."

Digital Image Suite 9 incorporates the following new organizational and advanced photo-editing tools:

Organization With Digital Image Library 9

- ❖ **New! Import Pictures Wizard.** This feature automatically detects import devices and renames and deletes photos on acquisition. Users can access photos from digital cameras as well as on CD-ROM or removable media.
- ❖ **New! Advanced organizational system.** Users can locate and organize their photos with intuitive tools such as the 5 Star Rating System, Find Similar Photos and Keyword Painter.
- ❖ **New! Virtual Views.** Quickly find and sort images by View, Date and Keyword, and then subsort by image size, file size, year, month, keyword, event, file type, folder and rating.
- ❖ **New! Photo Story Lite.**³ Users can combine edited images, motion, text and even their own voice into a unique and personal photo story or video that

can be burned onto CD-ROM and viewed in most consumer DVD players or sent via e-mail.

- ❖ **New! Archive.** Protect and preserve precious photos and hard drive space with Digital Image Library's new state-of-the-art archival technology. Users can customize automatic backup reminders, choose among archiving options, burn CDs of favorite photos, archive to multiple devices and find archived images easily.

Advanced Photo-Editing With Digital Image Pro 9

- ❖ **New! Smart Erase.** Cutting-edge technology helps automatically remove unwanted objects with a click of the mouse.
- ❖ **New! Blending Brush.** Users can smooth away photo blemishes by copying the texture of part of an image and pasting it elsewhere.
- ❖ **New! Straighten Picture.** Users can align crooked pictures by shifting their image to a desired angle. They simply select the horizon line, and then use Straighten Picture to rotate and crop the area to a perfect line.
- ❖ **New! Multiple selection tools.** Users can choose from multiple selection tools, such as Marquee, Freehand, Edge Finder and Magic Wand, to select a specific photo area for editing.
- ❖ **New! Gaussian Blur.** This feature provides a sophisticated way to blur pictures to achieve a special effect or reduce emphasis on selected photo areas.
- ❖ **New! Unsharp Mask.** Users can sharpen a pictureGeneral term refers to a single photo or a composite project on the canvas. that is slightly out of focus. The Unsharp Mask uses noise-reduction threshold, contrast and edge width to determine which pixels to sharpen and by what degree.
- ❖ **New! Rule of Thirds.** Users can enhance objects by applying visually pleasing proportions and get a well-balanced photo that is appealing to the eye.
- ❖ **New! Save for a Mobile Device.** Users can instantly resize digital photos to the correct display size for a mobile device. Photos can be resized to fit on most popular mobile phones, Pocket PC or Palm devices.

Unmatched Help and Startup Tools

Digital Image Suite 9 continues Microsoft's tradition of powerful yet easy-to-use digital imaging products by including an enhanced startup window, new instructional videos and an improved user interface, making photo capture and enhancement easier than ever.

New Levels of Creativity and More Ways to Share

Digital Image Suite 9 offers new levels of creativity, with more than 5,000 images, 3,000 designer project templates, 200 filters (50 of which are new in Digital Image Suite 9) and a variety of mats, frames and templates for creating professional photo projects such as scrapbooks, photo albums, calendars and postcards. Filters with effects such as Antique, Impressionism and Watercolor add instant style to photos. Users can find professionally designed photo project templates for a variety of occasions, seasons and needs, including kids' crafts and business, community and home projects.

In addition, with MSN® Photos,⁴ users can seamlessly order photo reprints and

gifts directly from within Digital Image Suite 9.

Availability

Microsoft Digital Image Suite 9 is available for an estimated retail price of \$129 (U.S.).⁵ Microsoft offers \$60 in rebates -- a \$30 version upgrade and competitive upgrade mail-in rebate, as well as an additional \$30 digital camera mail-in rebate (if consumers purchase any digital camera within 30 days of acquiring the application). In addition, the product ships with \$80 worth of coupons for Fuji products, Avery paper samples and Alien Skin plug-ins. Digital Image Suite 9 also is available at academic pricing and for business licensing. (Certain offer restrictions apply to each offer.)

In addition to the high-end features and functionality offered by Digital Image Suite 9, Microsoft provides product options for all levels of digital photography users. Picture It!® Photo Premium 9 offers a popular collection of midlevel photo-editing, drawing and painting options. Microsoft also is shipping Plus! Digital Media Edition, which includes a full version of Plus! Photo Story, Plus! Party Mode, Plus! Effects & Transitions for Windows® Movie Maker 2, and Plus! Sync & Go for Pocket PC, all for \$19.95 (U.S.).⁵

About Microsoft Home Retail Division

Microsoft Home Retail Division (HRD) is a leading publisher of home software for the PC. Celebrating Microsoft's 20 years of delivering products that help consumers accomplish and enjoy everyday tasks, HRD brings consumers the Microsoft Encarta® encyclopedia, the industry's best-selling⁶ encyclopedia brand; Microsoft Digital Image products, which combine advanced photo-editing features and unmatched organizational tools with unparalleled ease of use; Microsoft Money, easy-to-use personal finance management software; Streets & Trips, Microsoft's all-in-one mapping solution with points of interest, routes, driving directions and Pocket PC compatibility in one value-priced software package; and Microsoft Works Suite, the best-selling⁷ integrated home productivity software that offers six of the latest essential home software titles in one package for tremendous value. Used with the MSN network of Internet services, these products have a unique depth and mobility that allow users to take their PC experience even further.

About Microsoft

Founded in 1975, Microsoft (Nasdaq "MSFT") is the worldwide leader in software, services and Internet technologies for personal and business computing. The company offers a wide range of products and services designed to empower people through great software -- any time, any place and on any device.

1 Source: Lyra Research Inc. and Photofinishing News Inc.

2 Source: In-Stat/MDR

3 Requires Microsoft Windows XP operating system

4 Internet connection required

5 Actual retail price may vary.

6 Source: NPDTechworldSM, March 1993--March 2003, based on total U.S. retail sales

7 Source: NPDTechworld, March 1993--March 2002, based on total U.S. retail

sales

Microsoft, MSN, Picture It!, Windows and Encarta are either registered trademarks or trademarks of Microsoft Corp. in the United States and/or other countries.

The names of actual companies and products mentioned herein may be the trademarks of their respective owners.

For product box shots:

If you are interested in downloading high-resolution product box shots for Microsoft Digital Image Suite 9 or other Microsoft products, please visit the Microsoft Web page at

http://www.microsoft.com/presspass/images/gallery/boxshots_a-d.asp.

Note to editors: If you are interested in viewing additional information on Microsoft, please visit the Microsoft Web page at

<http://www.microsoft.com/presspass/> on Microsoft's corporate information pages. Web links, telephone numbers and titles were correct at time of publication, but may since have changed. For additional assistance, journalists and analysts may contact Microsoft's Rapid Response Team or other appropriate contacts listed at <http://www.microsoft.com/presspass/contactpr.asp>.

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EXHIBIT B

Samsung Digital Image Library 9 - 2003

File Edit View Tasks Tools Help
Import

View By: Date Group By: Auto

All Pictures View

View By: Date Group By: Auto

Keywords

December, 2003 - 2 items

September, 2003

August, 2003

July, 2003

June, 2003

May, 2003

April, 2003

March, 2003

February, 2003

January, 2003

December, 2003 - 20 items

Hannah Easter Card.jpg

Brett and Shannon in P...
Hannah Easter Card.jpg

DSCF0090.JPG

DSCF0091.JPG

DSCF0098.JPG

DSCF0100.JPG

DSCF0101.JPG

DSCF0103.JPG

DSCF0104.JPG

DSCF0105.JPG

317 items, 1 selected

File Edit View Tasks Tools Help

Import Archive Create a Photo Story Send in E-mail Keywords

View by Date Group By Auto

All Pictures View

2003
 January
 February
 March
 April
 May
 June
 July
 August
 September
 October
 November
 December
 2002
 2001
 2000
 1999

7/31/2003 - 40 items

| Date | Image | Description |
|-----------|-------|--------------------|
| 7/31/2003 | | |
| 7/30/2003 | | |
| 7/27/2003 | | |
| 7/26/2003 | | |
| 7/19/2003 | | Disney One 004.jpg |
| 7/17/2003 | | Disney One 001.jpg |
| 7/16/2003 | | Disney One 005.jpg |
| 7/8/2003 | | Disney One 007.jpg |
| 7/6/2003 | | Disney One 008.jpg |
| 7/5/2003 | | Disney One 006.jpg |
| 7/4/2003 | | Disney One 009.jpg |
| | | Disney One 011.jpg |
| | | Disney One 012.jpg |
| | | Disney One 013.jpg |

276 items, 1 selected

File Edit View Tasks Tools Help

Import Archive Create a Photo Story Send in E-mail Keywords

View by: Date Group By: Auto

All Pictures View

2003

January 7/31/2003 9:00 PM
February 7/31/2003 6:58 PM
March 7/31/2003 6:21 PM
April 7/31/2003 5:41 PM
May 7/31/2003 4:43 PM
June 7/31/2003 4:16 PM
July 7/4, Friday
Jul 5, Saturday
Jul 6, Sunday
Jul 8, Tuesday
Jul 16, Wednesday
Jul 17, Thursday
Jul 19, Saturday
Jul 26, Saturday
Jul 27, Sunday
Jul 30, Wednesday
August
September
December

2002

2001

2000

1999

7/31/2003 6:42 PM to 6:50 PM -5 items

Disney One 036.jpg Disney One 037.jpg

7/31/2003 6:58 PM to 6:59 PM -5 items

Disney One 035.jpg Disney One 036.jpg

7/31/2003 6:42 PM to 6:51 PM -5 items

Disney One 034.jpg Disney One 035.jpg

7/31/2003 6:19 PM to 6:21 PM -3 items

Disney One 031.jpg Disney One 032.jpg

7/31/2003 5:37 PM to 5:41 PM -6 items

Disney One 033.jpg

276 items, 1 selected

File Edit View Tasks Tools Help

Import Archive Create a Photo Story Send in E-mail

New By Date Group By: Auto

All Pictures View

7/31/2003 6:42 PM to 6:50 PM - 5 items

2003

January February March April May June July

Jul 4, Friday

Jul 5, Saturday

Jul 6, Sunday

Jul 8, Tuesday

Jul 10, Wednesday

Jul 12, Thursday

Jul 19, Saturday

Jul 26, Saturday

Jul 27, Sunday

Jul 30, Wednesday

August

September

December

2002

2001

2000

1999

7/31/2003 6:19 PM to 6:21 PM - 3 items

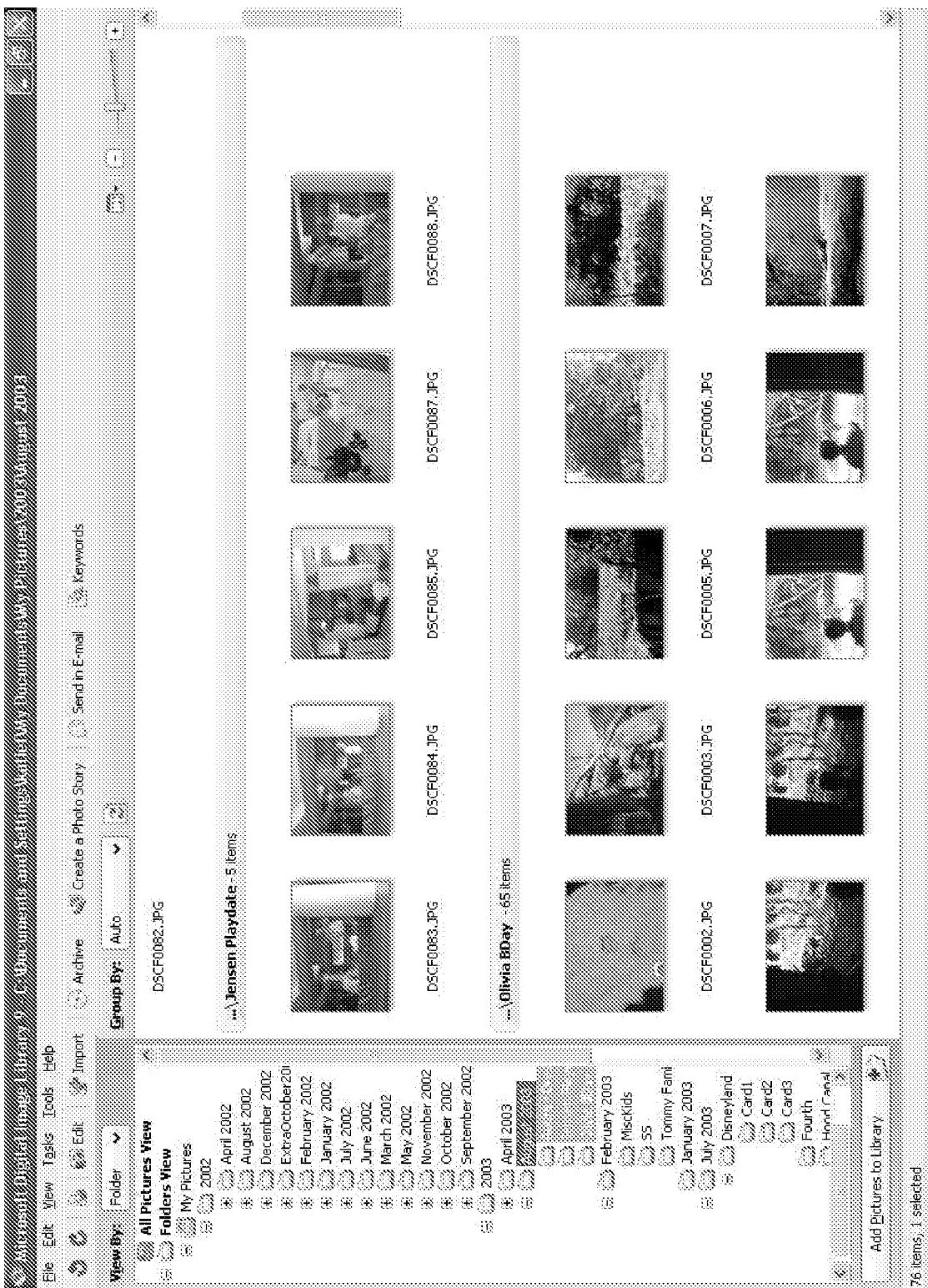
Disney One 016.jpg Disney One 035.jpg Disney One 037.jpg

7/31/2003 5:37 PM to 5:41 PM - 6 items

Disney One 025.jpg Disney One 026.jpg Disney One 027.jpg Disney One 028.jpg

276 items, 1 selected





Screenshot of a digital photo library interface showing a search results page for "Audrey".

File Edit View Tasks Tools Help

View By: Keyword **Group By:** Auto **Keywords:** Send in E-mail

Show pictures that have:

- at least one of the selected keywords
- all selected keywords

Select All **Clear All**

All Selected Keywords 8 items

| Unassigned | Audrey | Beach | Birthday | Christmas | Easter | for collage | for slideshow | Friends | Holiday | Tommy | Travel | Trolley |
|------------|--------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
| | | | | | | | | | | | | |
| | | Easter 2002 - Day 3 00... | Easter 2002 - Day 3 01... | Easter 2002 - Day 3 02... | Easter 2002 - Day 3 03... | Easter 2002 - Day 3 04... | Easter 2002 - Day 3 05... | Easter 2002 - Day 3 06... | Easter 2002 - Day 3 07... | Easter 2002 - Day 3 08... | Easter 2002 - Day 3 09... | Easter 2002 - Day 3 10... |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | |

12 items, 1 selected

Screenshot of a digital photo library interface showing a grid of thumbnail images and their details.

File Edit View Tasks Tools Help

Import Archive Create a Photo Story

Group By: Auto **Keywords:** ...

Show pictures that have:

- at least one of the selected keywords
- all selected keywords

Select All Clear All

- Unsigned
- Audrey
- Beach
- Birthday
- Christmas
- Easter
- Family
- for kids collage
- for slideshow
- Friends
- Holiday
- Tommy
- Travel
- Trolley

All Selected Keywords - 8 items

| Image | Date | Description |
|-------|---------------------------|---------------------------|
| | Easter 2002 - Day 3 00... | Easter 2002 - Day 3 01... |
| | Easter 2002 - Day 3 01... | Easter 2002 - Day 3 01... |
| | Easter 2002 - Day 3 01... | Easter 2002 - Day 3 01... |
| | Easter 2002 - Day 3 01... | Easter 2002 - Day 3 01... |
| | Easter 2002 - Day 3 02... | Easter 2002 - Day 3 02... |
| | Easter 2002 - Day 3 02... | Easter 2002 - Day 3 04... |
| | Easter 2002 - Day 3 02... | Easter 2002 - Day 3 04... |
| | Easter 2002 - Day 3 02... | Easter 2002 - Day 3 04... |

8 items, 1 selected

File Edit View Tasks Tools Help

Import Archive Create a Photo Story Send in E-mail Keywords

Group By: Auto

View By: Folder

Hood Canal
Misc
August 2003
Audrey Dre
Jensen Play
Olivia BDay
February 2003
Misskids
55
Tommy Fan
January 2003
July 2003
Disneyland
Card1
Card2
Card3
Fourth
Hood Canal
MPicnic
Shane's B-C
Zoo

...Chuck E. Cheese with Gma Judy - 3 items

...[Tommy] Graduation
...[Tommy] Ball
...Wenatchee

10 Tommy bowling.jpg
11 Audrey Driving.jpg
12 Audrey Hi Daddy.jpg

...TommyPreschoolGraduation 71 items

TomPreschGrad 001.jpg
TomPreschGrad 002.jpg
TomPreschGrad 003.jpg
TomPreschGrad 004.jpg
TomPreschGrad 005.jpg
TomPreschGrad 006.jpg
TomPreschGrad 007.jpg
TomPreschGrad 008.jpg

Lexy
March 2003
May 2003
Olivia
September 2003
2003-06-25 Canoe
Addie
For Family Summer
From Cindy

Add Pictures to Library

162 items, 1 selected



Screenshot of a digital photo library interface showing a grid of thumbnail images and their corresponding file names.

File Edit View Tasks Tools Help

Import Create a Photo Story Archive Send in E-mail Keywords

Group By: Auto

View By: Folder

Hood Canal

- Misc
 - August 2003
 - Audrey Dre
 - Jensen Play
 - Olivia BDay
 - February 2003
 - MisKids
 - 55
 - Tommy Fair
 - January 2003
 - July 2003
 - Disneyland
 - Card1
 - Card2
 - Card3
 - Fourth
 - Hood Canal
 - MSPicnic
 - Shane's B-C
 - Zoo
- \ChuckE... Gina Judy
- \Tommy...[Graduation
- \TommyTBall
- \Wenatchee
- TommyTBall 041.jpg
- TommyTBall 042.jpg
- \Wenatchee 46 items
- Wenatchee 001.jpg
- Wenatchee 002.jpg
- Wenatchee 003.jpg
- Wenatchee 004.jpg
- Wenatchee 005.jpg
- Wenatchee 006.jpg
- Wenatchee 007.jpg
- Wenatchee 008.jpg
- Add Pictures to Library

163 items, 1 selected